



Attorney General Rob McKenna's
Legislative Report Card

2006 Legislative Priorities

- **Continue the battle against meth in Washington – Passed Legislature**
Providing more resources
Increasing treatment and penalties
Cleaning up contaminated sites
- **Strengthen sex offender laws to increase protection for children – Passed Legislature**
- **Protect public access to information by passing reporter shield legislation – On-going**
- **Bring Washington's governmental liability standards in line with other states – On-going**
- **Give consumers more tools to protect their credit and prevent identity theft – On-going**

Operation Allied Against Meth: Omnibus Legislation

Background

In 2005, Attorney General Rob McKenna announced "Operation: Allied Against Meth," his plan to fight methamphetamine abuse in Washington. The plan had three main components:

- Hire additional attorneys to help local prosecutors with complex drug felony cases
- Partner with local community meth action teams, school-based prevention specialists and non-profit organizations such as Project Lead-On America to deliver prevention messages to school-age children
- Form a task force to advise him on a comprehensive anti-meth legislative package.

Operation Allied Against Meth Task Force

After the 2005 legislative session, AG McKenna convened the "Operation: Allied Against Meth" task force, comprised of representatives from federal, state and local law enforcement agencies, treatment programs, business, real estate, non-profit organizations, government and the Legislature.

The committee finished its work in 90 days and issued its final report and legislative recommendations on November 9, 2005. Based on those recommendations, Attorney General McKenna worked with legislators on the task force to introduce and pass comprehensive meth legislation this session.

Meth Fast Facts

- Washington seized 1,259 illegal meth labs in 2004, the third highest number of seizures in the country behind Iowa (1,300) and Missouri (2,700) (Bellingham Herald, 4/10/2005.)
- 98 percent of state and local law enforcement agencies in Washington describe methamphetamine availability as high or moderate in their jurisdictions (NHIDTAP, 6/2005).
- Clark, Grays Harbor, Klickitat and Lewis counties had high rates of meth use among adults as early as 1995. By 2001, rates much higher than average plagued Clallam, Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Mason, Pierce and Yakima counties. Rates increased in nearly all Washington counties (Alcohol and Drug Abuse Institute [ADAI], University of Washington, 2004).
- Meth-related deaths have increased every year, with a high of 257 reported in 2005, a 17 percent increase from the previous year (WSP).
- Children documented at Washington methamphetamine lab sites have increased each year since 2001 to 495 kids in 2004, according to the EPIC Clandestine Laboratory Seizure System. This is almost five times the number of children reported in any other state in the region (DEA, Seattle Field Office, 2005).

Operation: Allied Against Meth Legislation (SB 6239)

Sponsored by Senators Hargrove, Johnson, Doumit, Oke, Stevens, Esser

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Part I - Substance Abuse Reduction

- Offsets any further federal grant cuts to our state's multi-jurisdictional drug task forces with direct state funding up to \$4 million. If no further cuts are enacted, restores funding levels back to the 2004 level.
- Creates a substance abuse and mental health treatment pilot project for meth users, with state matching funds to those counties who pass the 1/10 of one cent local option sales tax as authorized by SB 5763 (2005).
- Adds 100 additional therapeutic drug and alcohol treatment placements to prisons above the January 2006 levels.
- Provides an additional \$1.575 million per year from 2007 through 2010 in drug enforcement funds to three multi-county areas for sheriff's deputies and prosecutors, spread evenly across:
 - Pacific, Wahkiakum, Grays Harbor and Lewis counties;
 - Walla Walla, Columbia, Garfield and Asotin counties; and
 - Stevens, Ferry, Pend Oreille and Lincoln counties.
- Authorizes juvenile court drug courts in the drug court statute.
- Directs DSHS to consult with faith-based organizations to discuss gaps in services for recovering addicts.
- Requires planning to increase access to existing special-needs transportation for recovering addicts.
- Orders a study on media campaigns on meth use prevention, treatment promotion and underage drinking prevention.

Part II - Cleanup of Contaminated Property

- To assist in protecting the public from exposure to the hazardous chemicals used in manufacturing meth, gives local health officers and authorities more tools to:
 - Inspect property believed to be contaminated.
 - Declare property unfit and prohibit its use.
 - Require independent third-party sampling to verify proper decontamination of property.
 - Evaluate property decontamination projects performed by licensed contractors to determine the adequacy of the work performed.
- Directs a study on the feasibility of providing incentives and protections to landlords to encourage them to rent to recovering addicts or those convicted of drug crimes.
- Authorizes a pilot project to show how existing legal methods and grant programs can help clean up meth-contaminated properties for public uses.

"Washington's rural law enforcement officers are on the frontlines of a growing battle against methamphetamine and they need our help. This bill is vitally important to rescuing drug-endangered children, reducing property crimes, getting addicts into treatment and cleaning up contaminated properties. With bipartisan support from across the state, I'm confident the Governor will sign this bill into law."

Part III - Criminal Penalties and Procedures

The task force did not recommend a wholesale increase in baseline criminal penalties for drug offenses. Instead the legislation:

- Requires all meth-related enhancements to run consecutively to all other sentences, as opposed to concurrently.
- Requires those convicted of meth-related offenses under the Drug Offender Sentencing Act to serve at least 12 months or half of the midpoint sentence range before receiving any "good time" off.
- Orders pre-sentencing investigations prior to imposing a sentence on a defendant who has been convicted of any felony drug or sex offense where the court has determined that chemical dependency has contributed to the offense.
- Amends the vulnerable adult neglect statute to include exposure to meth manufacturing as physical neglect.
- Directs the Washington Institute for Public Policy to:
 - Review the meth laws in neighboring states and make recommendations for any additional criminal penalties necessary to prevent meth criminals from migrating to Washington.
 - Study recidivism rates for offenders who receive treatment in prison versus those who participate in community-based treatment under the Drug Offender Sentencing Alternatives and those who receive no treatment.

Child Protection Legislation

Background

Washington has enacted some of the strongest registration and notification laws in the nation and we were the first state in the nation to implement involuntary civil commitment for the most dangerous sexual predators. Despite this, the expert attorneys in the Attorney General's Office Sexually Violent Predator unit, in their work with prosecutors, law enforcement and victim's advocates across the state, discovered some inadequacies in Washington's sex offender laws—particularly in the area of protecting children.

"Sex predators are called predators for a reason," McKenna said. "They find new prey by hanging out in areas where children congregate, like swimming pools, parks and community centers. SB 6775 is unique because it gives employees authority to ask sex predators to stay away and if those predators come back, they can be charged with a felony punishable by a maximum five years in prison and a \$10,000 fine."

Keeping children safe in our communities

When his local parks director called, concerned his employees had no power to ask known sex offenders not to hang out around children in the shower room at the community pool or in the rec room at the community center, AG McKenna worked to develop legislation to give more protection to children in our communities.

This fall, the Joint Task Force on Sex Offender Management reviewed and made recommendations on "sex offender-free zones" known as community protection zones. The task force recommended a statewide policy on protection zones rather than a patchwork of local policies. McKenna combined the recommendations of this task force with those of victim's advocates, legislative experts, prosecutors and law enforcement to develop a unique solution to this problem.

Senate Bill 6775

sponsored by Senators Hargrove, Stevens, Rasmussen and McAuliffe

- Gives employees at public and private facilities authority to ask known sex predators to stay away from areas where children are.
- Creates a new crime called Criminal Trespass against Children, a felony crime punishable by a maximum five years in prison and a \$10,000 fine.

Senate Bill 6410

sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Benton/incorporated into Senate Bill 6325

- Makes permanent the statewide residency restrictions approved by the Legislature in 2005, which prohibit sex offenders from living within 880 feet of a public or private school.
- Make these restrictions consistent statewide.
- SB 6325 allows two cities with pre-existing restriction ordinances to retain their ordinances and allows the Association of Washington Cities to develop new restrictions to present to the Legislature in 2007.

Sex offenders in Washington

As of January 2006, there were 18,963 total registered sex and kidnapping offenders:

- 12,636 are level one
- 2,908 are level two
- 1,392 are level three
- 124 are kidnap offenders
- 1,903 are not classified for various reasons (example: registered before classification became mandatory).

Crimes committed with "sexual motivation"

Some non-sexual crimes may be charged as having been committed with "sexual motivation" if the defendant committed the crime for the purpose of sexual gratification. An example is a kidnapping where the defendant intends to molest a child but the child is recovered before the defendant attacks.

Senate Bill 6460

sponsored by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton, Roach and Oke

- Creates mandatory prison terms for crimes committed with sexual motivation, including a minimum one year for class C felonies, double enhancements for second-time offenders and a clarification that enhancements can be added to misdemeanors as well.

Two strike offenses

Crimes that count as "strikes" in Washington's "Two Strikes" law for sex offenses include second degree assault with sexual motivation and first degree assault of a child with sexual motivation but not second degree assault of a child with sexual motivation. Second degree assault includes assault with a deadly weapon or assault with substantial bodily harm.

Senate Bill 6406

sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke

- Makes second degree assault of child with sexual motivation a "strike" under the state's "Two Strikes, You're Out" law for sex offenses.

Possession of child pornography

Possession of child pornography is currently an unranked felony with a maximum term of only one year—and most offenders get much less than that.

- In a 2000 study issued by the Federal Bureau of Prisons, 76 percent of offenders convicted of internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement. These offenders had an average of 30.5 child sex victims each.

(Source: American Prosecutors Research Institute, 2004)

Senate Bill 6407

sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke/ incorporated into SB 6172

- Increases the penalty for possession of child pornography from an unranked felony to a Level VI with a minimum one year of prison time and required registration.

Statute of limitations on DNA cases

The current statute of limitations for various sex crimes runs between three and 10 years, yet sometimes in cases where the victim doesn't know his or her attacker, but the attacker leaves biological evidence, it can be many years before law enforcement finds a match.

Senate Bill 6408

sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Oke/amended onto Senate Bill 5042

- Extends the statute of limitations in cases where a suspect is identified through DNA testing.

Sex offender registration

Washington had one of the first sex offender registration statutes in the country. It is one of the most powerful tools law enforcement has to prevent convicted offenders from reoffending.

- More than 670 Washington sex offenders are registered as homeless. Many of these offenders are deemed the most dangerous and most likely to reoffend, yet law-enforcement officials have no way of tracking them, and residents are often unaware of potential threats.

Authorities report that out of every 10 sex offenders who report they are homeless, two or three actually are living at a specific address.

(Source: Seattle Times, 12.29.05)

Senate Bill 6405

sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Shin, Benton and Oke/ incorporated into SB 6519, which requires level III sex offenders to register every 90 days

- Strengthens the sex offender registration statute by requiring more frequent registration for the most dangerous offenders.

On-Going Legislation

Identity Theft and Government Liability Standards

The Attorney General's Office was also successful in advancing the debate on key identity theft legislation and government liability standards. McKenna plans to introduce a comprehensive package of identity theft legislation based on the Attorney General's November 2005 Identity Theft Summit.

Reporter Shield

McKenna's biggest disappointment of the session was the death of his reporter shield legislation.

"Despite bipartisan sponsorship, despite overwhelming support in the House of Representatives and despite the Governor's promise to sign the bill, our shield legislation died on the floor of the Senate without a vote," McKenna said. "While I'm very disappointed, I'm grateful to those who supported the bill and plan to reintroduce it in 2007."



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